

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: MAGNETIC TUNNEL EFFECT TYPE MAGNETIC HEAD, AND METHOD OF PRODUCING SAME

Case No. 09792909-5083, the specification of which

(check one) X is attached hereto
 was filed on _____, as
 Application Serial No. _____
 and was amended on _____
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations. 1.56¹

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s)

Number

Country

Date

P2000-205927

Japan

July 06, 2000

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

¹ (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the application takes in:

(i) opposing an argument of unpatentability relied on by the Office, or

(ii) asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden of proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Full name of fourth inventor

TORU KATAKURA

Inventor's signature

Toru Katakura

Date

June, 15, 2001

Residence

MIYAGI, JAPAN

Citizenship

JAPANESE

Post Office Address

c/o SONY CORPORATION 7-35, KITASHINAGAWA 6-CHOME,
SHINAGAWA-KU, TOKYO, JAPAN

Full name of fifth inventor

Inventor's signature

Date

Residence

Citizenship

Post Office Address

c/o SONY CORPORATION 7-35, KITASHINAGAWA 6-CHOME,
SHINAGAWA-KU, TOKYO, JAPAN

Full name of sixth inventor

Inventor's signature

Date

Residence

Citizenship

Post Office Address

c/o SONY CORPORATION 7-35, KITASHINAGAWA 6-CHOME,
SHINAGAWA-KU, TOKYO, JAPAN

Full name of seventh inventor

Inventor's signature

Date

Residence

Citizenship

Post Office Address

c/o SONY CORPORATION 7-35, KITASHINAGAWA 6-CHOME,
SHINAGAWA-KU, TOKYO, JAPAN

Full name of eighth inventor

Inventor's signature

Date

Residence

Citizenship

Post Office Address

c/o SONY CORPORATION 7-35, KITASHINAGAWA 6-CHOME,
SHINAGAWA-KU, TOKYO, JAPAN

Full name of ninth inventor

Inventor's signature

Date

Residence

Citizenship

Post Office Address

c/o SONY CORPORATION 7-35, KITASHINAGAWA 6-CHOME,
SHINAGAWA-KU, TOKYO, JAPAN

T05040"65226660